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Human Resources: TN Professionals under NAFTA

TN Professionals under North American Free Trade Agreement (NAFTA)

The TN category was created specifically to allow Canadian and Mexican citizens to accept employment in the U.S. in certain professionals as defined by the North American Free Trade Agreement (NAFTA). TN status is employer-specific and TN status holders can be admitted to the US in increments of up to three years. Extensions of stay are also granted in up to three-year increments. There is no cumulative total limit on the time a foreign national can be in TN status, provided that the stay remains temporary in nature. There is no limit on the number of workers granted TN status each year.

Eligibility Requirements

- Must be a citizen of Canada or Mexico; landed immigrants and permanent residents do not qualify.
- Must possess the minimum qualifications of one of the NAFTA specified professions. See: http://www.nafta-sec-alena.org/en/view.aspx?x=343&mtpiID=147#Ap1603.D.1 for a complete list of professional occupations and minimum qualifications.
- Entry must be temporary.
- Must constitute “pre-arranged” professional activity for a U.S. entity within one of the NAFTA specified professions.
- Employer can either be a U.S. entity or a foreign employer who has arranged for the citizen to provide “pre-arranged” services in the U.S. for a U.S. entity.
- Alien cannot be self-employed in the U.S.

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Mail: Woods Hole Oceanographic Institution, 266 Woods Hole Road, Woods Hole, MA 02543, USA.
E-Contact: info@whoi.edu; press relations: media@whoi.edu, tel. (508) 457-2000
Problems or questions about the site, please contact webdev@whoi.edu